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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/596,663

06/20/2006

Marina Rogunova

1200319N US

9021

35227

7590

03/18/2009

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EXAMINER

MULLIS, JEFFREY C

ART UNIT

PAPER NUMBER

1796

MAIL DATE

DELIVERY MODE

03/18/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/596,663 | ROGUNOVA ET AL. | |
| | Examiner | Art Unit | |
| | Jeffrey C. Mullis | 1796 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10-4-06</u> . | 6) <input type="checkbox"/> Other: _____ |

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Applicants IDS including the US applications cited has been considered.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laughner et al. (US 5,196,479) in view of Chung et al. (US 2005/0065263).

Patentees disclose a composition containing a polycarbonate, a polyester and “two or more” (column 11, lines 42-46) impact modifier including core shell impact modifiers with alkyl acrylate cores having up to 15 carbon atom alkyl moieties and MMA shells (abstract; column 15, lines 3-25) and in which the impact modifiers also include vulcanized EPDM as in applicants component “c”.

Laughner does not disclose any actual examples in which all of applicants claimed features are present and does not disclose addition of nanoclays.

Chung discloses addition of nanoclays to thermoplastic polycarbonate compositions to improve mechanical properties (paragraph 4Z).

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to add the nanoclays of the secondary reference to the primary reference in order to improve mechanical properties absent any showing of surprising or unexpected results.

It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to arrive at applicants invention by selecting from the various

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disclosures of the primary reference in the expectation of adequate results absent any showing of surprising or unexpected results.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lacroix et al. (US 7022768) in view of Cartasegna (US 4,883,840) and further in view of Chung et al. (US 2005/0065263), cited above and relied upon for claim 9.

Patentees disclose a composition containing PBT and a core shell polymer (abstract) as well as polycarbonate (patent claim 13. Blends of polyolefin and EPDM may be added at column 7, lines 15-18.

Cartasegna (US 4,883,840) at column 6, lines 15-29 discloses that dynamic curing or rubber increases impact performance. Hence it would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to dynamically cure the EPDM of the primary reference as taught by the secondary reference in order to improve impact performance absent any showing of surprising or unexpected results. It would have been obvious to a practitioner having an ordinary skill in the art at the time of the invention to add the nanoclays of the secondary reference to the primary reference in order to improve mechanical properties absent any showing of surprising or unexpected results.

Any inquiry concerning this communication should be directed to Jeffrey C. Mullis
M-F, 9-5pm at telephone number 571 272 1075.

Jeffrey C. Mullis
Primary Examiner
Art Unit 1796

JCM

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3-16-09

/Jeffrey C. Mullis/

Primary Examiner, Art Unit 1796